

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *R.C.* D.C.

05 NOV 28 AM 11:17

HAROLD MULLIS d/b/a  
LINCOLN TERRACE PARTNERSHIP,

Plaintiff,

v.

120 STAR AVENUE ASSOCIATES, LTD.,  
ALCO PROPERTIES MID-SOUTH, INC.,  
IMPERIAL ASSOCIATES, INC.,  
FRANKLIN 84 ASSOCIATES, and  
LEXINGTON RESIDENTIAL  
ASSOCIATES, L.P.,

Defendants.

No. 2:05-cv-02284-SHM-dkv

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TENNESSEE

**SCHEDULING ORDER**

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

**DEFENDANTS TO FILE THEIR  
ANSWER TO COMPLAINT:**

December 23, 2005

**DEFENDANTS TO FILE RESPONSES  
TO PLAINTIFF'S INITIAL  
DISCOVERY REQUESTS:**

January 10, 2006

**INITIAL DISCLOSURES (RULE 26(a)(1)):**

February 1, 2006

**JOINING PARTIES:**

for Plaintiff:

April 1, 2006

for Defendant:

April 1, 2006

**AMENDING PLEADINGS:**

for Plaintiff:

May 1, 2006

for Defendant:

May 1, 2006

**INITIAL MOTION TO DISMISS:**

May 1, 2006

**COMPLETING ALL DISCOVERY:**

August 1, 2006

(a) **REQUESTS FOR PRODUCTION,  
INTERROGATORIES and  
REQUESTS FOR ADMISSIONS:**

August 1, 2006

(b) **DISCOVERY DEPOSITIONS  
(except for those of experts):**

August 1, 2006

(c) **EXPERT DISCLOSURE (Rule 26(a)(2)):**

(i) Plaintiff's Experts:

June 1, 2006

(ii) Defendant's Experts:

July 1, 2006

(iii) Supplementation under Rule 26(e):

30 days before trial

(d) **DEPOSITIONS OF EXPERTS:**

September 1, 2006

**FILING DISPOSITIVE MOTIONS:**

October 1, 2006

**FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):**

(a) for Plaintiff:

30 days before trial

(b) for Defendant:

30 days before trial

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 3 days. The presiding judge will set this matter for **JURY TRIAL**. In the event the parties are unable to agree on a joint pretrial order the parties must notify the Court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

The parties have been diligently attempting to resolve this matter, and hope this matter can be resolved soon without further expense and litigation. However, in the event they cannot they have consulted as required and agreed upon the deadlines set forth herein. Due to the nature of the dispute, the parties do not believe that mediation would be any more effectual than the parties' current bi-lateral negotiations.

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the Court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not at this time consented to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.


**IT IS SO ORDERED.**

  
\_\_\_\_\_  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE

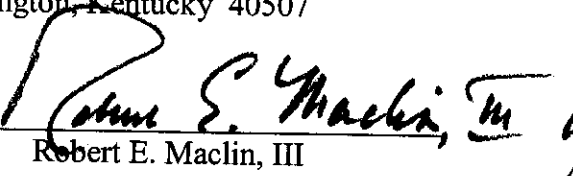

Date: November 25, 2005

**APPROVED FOR ENTRY BY:**

FARRIS MATHEWS BRANAN  
BOBANGO HELLEN & DUNLAP PLC  
One Commerce Square, Suite 2000  
40 South Main Street  
Memphis, Tennessee 38103  
(901) 259-7100

By:   
Robert A. McLean #6516  
Attorneys for 120 Star Avenue Associates, Ltd.,  
Alco Properties Mid-South, Inc., Imperial Associates,  
Inc., Franklin 84 Associates, and Lexington Residential  
Associates, L.P.

MCBRAYER, MCGINNIS  
LESLIE & KIRKLAND, PLLC  
201 E. Main Street  
Suite 1000  
Lexington, Kentucky 40507

By:  by   
Robert E. Maclin, III  
Attorneys for Harold Mullis d/b/a  
Lincoln Terrace Partnership

G:\DATA\RAM\Alco\Lincoln Terrace\Scheduling Order.doc



## Notice of Distribution

This notice confirms a copy of the document docketed as number 16 in case 2:05-CV-02284 was distributed by fax, mail, or direct printing on November 30, 2005 to the parties listed.

---

Walter W. May  
LAW OFFICE OF WALTER W. MAY  
167 W. Main St.  
Ste. 1000  
Lexington, KY 40502

Robert E. Maclin  
LAW OFFICE OF ROBERT E. MACLIN  
201 E. Main St.  
Ste. 1000  
Lexington, KY 40507

Robert A. McLean  
FARRIS MATHEWS BRANAN BOBANGO HELLEN & DUNLAP, PLC  
One Commerce Square  
Ste. 2000  
Memphis, TN 38103

Honorable Samuel Mays  
US DISTRICT COURT